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SUBJECT: KAZAKHSTAN: PRESIDENT NAZARBAYEV TO ANNOUNCE CONSTITUTIONAL REFORMS

REF: A. Astana 515, B. USOSCE 195

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11. (SBU) Summary: President Nazarbayev will present a package of proposed constitutional amendments to a joint session of parliament on May 16. The draft amendments would transfer certain presidential powers to the parliament, change the method of electing the parliament, change the role of parties in the legislative process and formation of the Government, increase the role of local self-government, and better guarantee respect for human rights. The specifics of how each of these changes will be carried out are not yet known, however, as the working group which developed most of them worked in relative secrecy and the draft has not yet been distributed. The parliamentary approval process could move quite quickly, with one Mazhilis member predicting a final vote as early as Friday. End summary.

Nazarbayev to Present Legislation May 16

12. (U) On May 14, President Nazarbayev announced that he would present a package of proposed constitutional amendments to a joint session of parliament on May 16. Speaking during the final meeting of the working group that has been drafting political reform legislation (Ref A), Nazarbayev said that "most of the suggestions offered by [the working group members] have been taken into account." He said that the draft legislation will cover five areas where "we have tried to make serious changes":

- Redistribution of presidential authorities to the Parliament, and the method of electing Parliament;
- the role of political parties;
- increasing the role of local self-government;
- further development of the law enforcement system; and
- the development of guarantees of human rights and freedoms.

Rogov Details Proposed Changes

13. (U) Working group chairman Igor Rogov, chairman of the Constitutional Council, provided additional details during the meeting. According to Rogov, the authority of parliament "will be broadened to such a degree that we can speak of a shift from the

presidential form of government to a presidential-parliamentary system." He also said that the role of political factions in the legislative process and the formation of the Government will be broadened, and that the number of seats in both the Mazhilis and Senate will be increased. Rogov said that President Nazarbayev will announce the numbers when he presents the legislation.

¶4. (U) Rogov added that the legislation contains provisions that will increase the role of public associations, impact individual rights and freedoms, and simplify the way courts are formed in order to guarantee the independence of the judicial system. He explained that changes to the law enforcement system will involve regulations of the activities of the procuracy and investigative bodies. "Overall," Rogov concluded, "the amendments will allow us to democratize our state and society to a higher degree, and to ensure more reliable protection of constitutional rights and freedoms of the person and citizen."

¶5. (SBU) Almost nothing is known of the substance of the legislation. As reported in Ref B, Rogov's working group operated in a very closed manner with no outside input.

Timeline

¶6. (U) During the working group meeting, it was not made clear whether the May 16 joint session of parliament will vote on the draft legislation, or merely begin the process of reviewing it. Article 53 of the Kazakhstani Constitution specifies that the president must propose constitutional amendments to a joint session of parliament. According to parliamentary regulations, passage of such legislation requires the support of a simple majority from both chambers on the first reading, and a three-fourths vote in favor on the second/final reading.

¶7. (SBU) Past practice shows that President Nazarbayev often favors

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quick votes on major initiatives such as this. After sequestering a group of legal experts in a mountain resort to draft a new constitution in 1995, Nazarbayev submitted it to a referendum after only a month of public discussion. Likewise, the Extremism Law and National Security Amendments were each passed in one day in 2005. Ak Zhol parliamentarian Alikhan Baymenov predicted to Pol-Econ Chief on May 15 that the parliament could get through both readings as early as Friday, May 18. (Note: Only a simple majority is needed to end debate and move to a vote.)

¶8. (U) The presidential website (www.akorda.kz) immediately posted the text of President Nazarbayev and Rogov's statements in Russian, Kazakh, and English, as a first step in what will presumably be an effort to publicize the reform effort widely.

Initial Reaction

¶9. (SBU) There has been little public reaction so far, in part due to lack of concrete information regarding the changes. Baymenov confirmed that the text of the proposed changes had not yet been distributed to members of parliament as of 18:00 May 15. (Note: Interfax reported that President Nazarbayev met with Nur Otan members in a closed session late on May 15 to acquaint them with the draft. He reportedly told his fellow party members that 80% of the changes were based on Democratization Commission recommendations, and 20% were steps that went further. End note.)

¶10. (SBU) Baymenov, who participated actively in the Democratization Commission, predicted that the amendments would make all seats in the Mazhilis elected by party list. Logically, he said, the change would result in early elections this summer or fall; a wider range of parties might be elected. He thought that the additional seats in both chambers would be appointed by the president from the Assembly of Peoples of Kazakhstan. The big question for him is whether the provisions regarding local self-government will

recognize akims (local executive leaders) and maslikhats (local legislative bodies) as organs of local self-government rather than of the central government, thereby correcting a contradiction in the present Constitution.

Comment: Devil is in the Details

¶11. (SBU) While it appears at first glance that these are serious and positive steps toward democratization, the impact of President Nazarbayev's proposed reforms will depend on the exact nature of the changes, which will only be known after President Nazarbayev addresses the joint session of parliament on Wednesday. The Ambassador has been invited and will attend.

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